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VOL. XV.

CLEVELAND, TUESDAY MORNING, JANUARY 22, 1861.

CITY & NEWS ITEMS TUESDAY MORNING, JAN. 22, 1861.

BF For Telegraphic, Market and Mark Nows see Fourth Page.

NEW ADVERTISEMENTS. Hawks & Bro.-Local Notice. John Schrink-Ovsters in every style. Rettlerg & Bausmann-Magic Ruffling.

Book-keepers with find a fresh sup ply of Leroy W. Fairchild's Gold Pene, at J. B. Cobb & Cu.'s. All of Larry W Fairchild's Gold Pens sold by J. B. Cobb & Co., are warranted for one year. 1td.

THE FUGITIVE SLAVE CASE. THE BIGHT OF THE MARSHAL TO THE USE OF THE JAIL DENIED.

Shariff of Cuyahoga county, to restrain her of her liberty by imprisonment in the

Gommission Berthants.

The finds of this woman have insisted of the liferty by imprisonment in the long of the standard of the succession standard of the stan list of January next, and that thereupon this Commissioner issued his mittimus com-manding, in the name of the United States manding, in the name of the United States of America, the Sheriff to receive said Lucy into his custody, and her safely keep in the Jail of the County until discharged by due course of law. To this is added the amand of the Marshal to receive and re-

ain this woman in the Jail. Had this United States Commiss thority for making this order? suthority for making this order? If no, that authority was conferred upon him by some legislation of the State of Ohio.

By the first section of a statute of Ohio, which took effect Dec. 20, 1805, it is provided "that the Sheriff, or keeper of every Jail, in any County in this State, shall be, and he is

fely until discharged by due course of law the same. It will, of course, be readily conceded. at a person arrested as a fugitive from that a person arrested as a fugitive from service, is a prisoner within the meaning of this statule, and any process issued by an United States Commissioner to the Marshal of the District, commanding him to deliver such prisoner into the custody of the Sheriff or Jailor of the county, would have imposed upon Sheriff or jailor the duty of receiving the prisoner into the jail and detaining such person there until discharged by due course of law.

It would seem that the action of the Commissioner in the case under sonsideration GENERAL COMMISSION MERCHANTS,

missioner in the case under consideration was predicated upon this statute. And it is to be regretted that the Commissioner, in proceeding in a matter so important and so exciting as a fugitive slave case always is to the room? (this young lady is the daughter

ow before us.
"By the act of the Ohio Legislature, passed April 16,1857, entitled "an act to prohibit the confinement of fugitive slaves in the jails of Ohio," " it is enseted that it shall be untawful to confine in prison, or to detain in the penitentiary of this State, or in the jail

Again, on the 4th of April, 1859, the Leg-RAMMONDSVILLE FIRE BRICK, common particular and common particular and common section of the confinence of the confinence

> By this statute, the law of 1806 was restored, and it was made the duty of the Sher-iffs and Jailors of the several counties to receive and sales of the several counties to re-ceive and safely keep all prisoners commit-ted under the authority of the United States, (including fugitives from service) in the jail of their county, until discharged by due nourse of the laws of the United States. course of the laws of the the said our Leg-lasture passed an act entitled an 'Act to provide for the confinement of prisoners under the laws of the United States in the juils of this Biate, and to repeal certain acts therein

The first section of this act provides that he Sheriff or Keeper of every jail in any county of this State, shall and he is hereby authorized and required to receive all pris-mers charged with crims committed to his bustody by the authority of the United States and to keep them safely until discharged by due course of the law of the same. The sec

one course of the law of the same. The second section of this act repeals the amendatory act of 1859 and also the law of 1806.

I have recited all the legislation of Ohio
upon this subject, and from this it will be
seen that under the statute of 1806 all prisoners under the authority of the United
States (of course including fugitive slaves)
could be imprisoned within the fails of this
State.

By the statute of 1857 such imprisonment By the statute of 1807 store improved the use of fugitive slaves was forbidden, and the use of fugitive slaves was fugitive slaves when the use of fugitive slaves were slaves when the use of fugit

fore the Commissioner, a prisoner charged with crime; and the order for her confinement in the Jail of Cuyahega County was, herefore, unauthorized and void, and no

in his custody as the agent of the Marshal, it is not the purpose of the Coart to interfere which is the abortest and quickest route.

cause the ingitive size is as any size in the course of the mant of witnesses until the panied them on the route across the Square lat of January next, and that thereupon the Commissioner issued his mittimus commissioner issued his

had endeavored to arrest him. He was, however, at once knocked down and secured, davits. as were several others engaged in the melee, all of whom were lodged in jail. The polies took possession of the stairways, and none but privileged persons or those known to them, were suffered to ascend to the court-

Lucy having been brought in, Judge

this community, should not have been at the pains to have learned that this statute had near Wheeling.) I deem it necessary to have the agitation which necessarily proceeds from the investigation of the case (See the written statement submitted by Judge Spanlding to the Court.) If I can obtain this testimony by commission, I shall

Mr. Barlow, on behalf of the claimant,

I do not wish to oppose any reasonable motion for delay, and if I was estimed that my friend Spaulding had been informed of the truth, I should not offer any opposition. or the keeper of every juil in any county in place the case beyond all controversy. Let his State, shall be, and he is hereby authorme refer to the 5th vol. of Ohio Reports, to a lecision of Judge McLesn's, in the case of committed to his custody by the authority of the United States, and to keep them in safety until discharged by due course of the laws of the same."

Description of Juage McLean's, in the case of Miller vs. McQuerry, when the Court overruled the motion to continue, because the slave could not show that he did not owe service.

The statute provides that the preliminary proceedings shall be summary. This woman was arrested on Saturday, and her friends have had access to her ever since, and if their claims are true they have had abundant time to verify them.

Judge Spaulding replied :

I am surprised that he should cite this decision of Judge McLane, to show that if a slave is brought to a free State she shouldn't be free. When we arrive at this point, I can being these or four decisions of Mc can bring three or four decisions of Mc-Lean's to show the contrary. My friend goes far beyond even the Dred Scott decison: there, a slave escapes to a free State and returns to a slave State, but in the case

he should require the statements of both law that the Sheriff of any county should be sides, which having been done on the part prisoners committed to his custody by the of the julis for such purpose prohibited. In 1859 this last law, the law of 1857, was repossed, and the law of 1806 amended, and in obtained permission to retire with his client law. In 1827 the United States. In 1857 the greeted "Timothy Titcomb" last evening, and authority of the United States. In 1857 the greeted "Timothy Titcomb" last evening, and obtained permission to retire with his client law of 1800 and the law

prisoners of the United States in the jails of life statute of life state was enseted; and this statute of life states was enseted; and this statute of life states was enseted; and this statute of life states was enseted; and this statute of life was to confinement of the prisoners of the life is instructed by his client and officially states that the use of the lails as to confinement of the prisoners of the life is instructed by his client and office and officially states that the use of the lail is instructed by his client and office and off

are as follows : therefore, unauthorized and void, and no duty or obligation was thereby imposed upon the Sheriff to take her into his custody. He derived no authority whatever from the process of the Commissioner to intermeddle in any manner with this woman.

But there is one other woman and owner of the said owner since Nov. 18, 1859; that said in any manner with this woman.

But there is one other rount against in the Lucy last lived in his family since that time. The question is—shall I decide the can produce of with the Bethef will meet at their Church er slide brings forward evidence to contradict this. Judge Sysulding admits that she was a slave, but has become free lawfally. The others deny this. The question is—shall I have deed the can produce of with the Bethef will meet at their Church er slide brings forward evidence to contradict this. Judge Sysulding admits that she was a slave, but has become free lawfally. The others deny this. The question is—shall I have been the can produce of the with the Bethef will meet at their Church er slide brings forward evidence to contradict this. Judge Sysulding admits that she was a slave, but has become free lawfally. The other deny this. Judge Sysulding admits that she was a slave, but has become free lawfally. The other deny this and the can produce of the with the Bethef will meet at their Church er slide brings forward evidence to contradict this. Judge Sysulding admits that she was a slave, but has become free lawfally. The other deny this and the can produce of the with the Bethef will meet at their Church er slide brings forward evidence to contradict this. Judge Sysulding admits that she was a slave, but has become free lawfally. The other deny the can produce of the slide of t

USE OF THE JAIL DENIED.

Trackmentors mesons the unitary dearies continuous mesons the unitary dearies of the unitary deared to the deared to the continuous mesons the unitary deared to the deared to the

atively inferior number of persons, and after not my witnesses to prove. I say she left not my witnesses to prove. I say she left by command of her prove at law?—by the statement of law and order. We are not assuredly not the ones to be employed to the winner mistress, and I in the maintenance of law and order. We are not astonished at being informed that which took effect Dec. 20, 1806, it is provided "that the Sheriff, or keeper of sery Jail, in any County in this State, shall be, and he is second rush was made, probably by the same hersely authorized and required to receive all privately authorized and required to receive all provided into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. One of the network of the police were brought into requisition. brought into requisition. One of the ne-groes threw a stone, striking a white man derstood, but I ask only that the girl may upon the side of his face, and immediately have a right to show by witnesses what she made to Marshal Johnson, about 41% o'clock after, drew a pistol upon another man who maserts: that her mouth may not be stopped. I have stated my belief that I can prove these facts, and I am met by two affi

The owner shows that he knows nothing stelle ordered them to be discharged. what does the father say? He lived back of his son's house and was there from day to day, and is quite sure that he saw the wothe fact! Even it this be deated to date! there might easily be a mistake as to date! By this I would only show how dangerous! A carriage was ready to receive Marshal is to allow statements to be besten down by

Mr. Barlow replied : ance was well founded. I believe this to be within the spirit of the law, and it seems that the objection is not well taken. Is it not better to take the oath of parties who know as to the truth? I do not wish to offer any unjust opposition, and if your Honor is satis.

Various other arrests were made, all, with ope that the continuance will not be grant-

ands, and the interference of a Commis-sioner is continually needed. It is exceeding-ly pleasant to be the Judge of a District Court;

It is proper to say that the regular police

effect revived, and the jails again opened for the imprisonment of fugitive slaves.

The following statethe imprisonment of fugitive slaves.

But again: in March, 1860, the statute of 1806, as amended, was again repealed and a new statute regulating the confinement of prisoners under United States ing.

COTTON SHIRTING AND IRISH was repealed in 1858. In March, 1860, an other Act was passed providing for the confinement of prisoners under United States ing.

Commissioner, the undersigned, R. P. Spaldare sorry that the press of matter crowds to draw up affidavits. The following stateto draw up affidavits. The following state

and resemble to transposit to pain

R. P. SPALDING, Atty. for Deft. Lucy. purpose of expediting business. We have of-ficial statements from Judge Spaulding, that if the case is continued he can produce evi-The affidavits of W. S. and John Goshorn,

logod foglitve named Lucy, and has been any manner with this woman.

But there is one other point arising in the case, which it is the duty of the Court to consider. The Sheriff, in his return, states that he detained this woman in custody, under the mittimus of the Commissioner, and also under the requisition authority of Marshal.

This requisition and authority are supposed to be contained in the following endorsement on the back of the mittimus.

To James A. Craw, Sheriff of the County of Cayahoga, O.:—You are hereby commanded to receive the within named Lucy, and to hold her is causing in the foregoing writ."

But there is one other point arising in the Lucy has lived in his family since that time, age to the state of the case of the case on these contradictory hots?

These gentlemen want to know if Cleves, and will enforce the fugitive law. Our citical while the case of the state of the case of the more until Oct. 22, 1880; that he never at any time gave said Lucy permission to leave to be state of Virginia; that the colored people were loyal and had no intention of attempting a rescue.

County, according to the commands of the foregoing writ."

Bigued by the Deputy Manshal.

We cannot deny in this proceeding the foregoing writ."

Bigued foglitve named Lucy, and to Lucy hat affinity that affinity in the submit in the follows of the state of Virginia and go into the State of Virginia; that contains the receive the will attend to be sent back. I don't believe there are fifty persons who would not assist the William the State of Virginia and go into the State of Virginia and go into the State of Virginia and so under the requisition and authority are supposed to be contained in the following endorsement on the back of the mitting.

To James A. Craw Manshal I was all to not think there are twen

counsel to have such depositions taken as

It is a matter for much regret, after the well streets was reached, when a rush was made by a party of negroes towards the girl Lucy. For a moment it was feared that something serious might result, but it soon appeared that the set was that of a comparatively inferior number of persons, and after the proceedings should act be so summary that the proceedings should act be so sum. It is a matter for much regret, after the mary that the proceedings should act be so sum. It is a matter for much regret, after the mary that the fugitive would be unable to receive proper defense.

Now ought not this person to have the been deemed necessary to employ "deputies" of such character. Men who service? We are most how!—I have most assuredly not the ones to be sum.

were insulting peaceable citizens upon the streets. Upon learning the fact, he immedi-

man on the \$d of October. His observation must be extremely acute I He swears that Lucy was in the family, and yet there was nothing to call his attention particularly to the fact! Even if this be true in the main, there might easily be a mistake as to date!

affidavits in this manner, for it will open the door to incalculable abuses, and this woman to the United States Court-room, but the forwill be returned without having the shadow mer declined it, preferring to walk. While of a defense permitted to her. ascending the steps leading to the Post Office, some one attempted to throw snuff into the I don't wish to multiply words, but I must Marshal's eyes, but failing, the snuff went innotice what I soppose to be a misapprehen-sion in Judge Spaulding. As the is an ini-tiative proceeding, and as it is called, "sum-many," your Honor was justified in taking means to discover if the motion for conting-

migust opposition, and if your Honor is satisfied that the facts may be proven, then continue! But if you are not satisfied, then I land, and none of them to be reckoned among respectable colored people. Most of these Mr. Commissioner White then remarked:
The transaction of the ordinary duty of a Commissioner's office, it is commonly a very pleasant business. These ordinary duties and hadly injured, being severely cut about were for carrying concealed weapons. A Mr. are, concerning the usages and rights of mariners; the counterfeiting of U. States coin, or the forging of warrants for Bounty derstand, was taking no part whatsoever, ex-

us when the time arrives when he is oblig- force of the city was not increased by a man. ed to fry a neighbor for crime, and perhaps, it may be sentence him to death, then comes the unpleasant, the disagreeable part of his seen to restrain the violence of the Deputy Marshals. I did not wish to have anything to do with From present appearances, it is justifiable

the issuing of this warrant if I could help it, but it would not be my duty as a man, be to suppose that the law will be allowed to cause it was repugnant to my feelings, to take its proper course without any further thrust it upon others. There are three points to be considered in this case. 1st. Is the woman proven to owe service? | who are by no means the representatives of 2d. If so, in what manner did she escape? | the great class of our colored citizens.

ion: there, a slave excapes to a free State and returns to a slave State, but in the case decided by Judge McLean, it was an altogether different thing. He said (and I am much obliged to my friend for calling attention to a case which I myself was about to cite)—"Had it been represented to me that the woman was free by being brought into a free State by her master, then time would have been given her to procure testimators. But the only allegation was that she was an escaped slave." You will at once perceive the difference. Now, in the case before us, I am instructed that proof can be made.

His Honor, at this juncture, remarked that he should require the statements of both her to produce the case of the jail is refused, and the Marshal must provide some other place to keep prisoners. In 1836, the State of Ohio passed a law that the Sheriff of any county should be

equity of the Considering?"

Mrrs Socresy .- The Mite Society connect

BUSINESS NOTICES.

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an5:321-1m. C. C. C.-Carv's Cough Cure, dec23210 per See advertisement of Dr. Sanford's With Printed Heads, or otherwise, descriptions of the Printed Heads, LiverInvigorator.

All should not tail to read the adverement of Prof. Wood in to-day's paper. FRANK PARKER.-Livery and Boarding Stable, 99 Saneca street, A No. 1 Horses and

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and lots of other Goods too numerous to ment SET There Goods have been consigned in consequence of the presents of the Political Excitoment.

La Bigs and GENTLERWN are respectfully in-rited to call. In Oracles and Politica, as the Goods must be sold VITHOUT RESERVE.

SALE TO COMMENCE ON SATURDAY, DECEMBER 22D, 1860. At 10 o'clock A. M.

ADIES' DRESS TRIMMINGS and Buttons, the largest stock in the City, parill RETTERRY & HANGERS. YASH BUYERS OF DRY GOODS ardless of cost for cash only.

2 TLOR, GRISWOLD & CO.,
Dry Goods and Carpet Dealers.

ADIES CLOAKS. LADIES CLOAKS. ich comprises all the recent nevelties and me

BLEGANT ZOUAVE CUT, DOY Goods and Corner Work HOSIERY AND YARN.-THE

CHEAP DRY GOODS!

CLOSING OUT OF ALL KINDS OF WINTER FABRICSII

FREEMAN & KELLOGG.

Will commence on Monday recruing. January 14th, to sell all kinds of STRICTLY WINTER GOODS at very GREATLY REDUCED PROUSE, that well secure the sale of ALL WINTER GOODS. We extract the way was food Greate CHEAP, to call at our House believe buying sleewhere.

217 Superior Street.

OHEAP DRY GOODSI SETS OF BLANK BOOKS GREAT BARGAINS N FANCY SILKS Good Rich Pield Silks, worth \$1.00 for 40 o Year Eisgant Brocade Stripe, worth \$20 for You Right Silk Holles, worth \$25 for You Right Silk Holles, worth \$20, for \$16.

A very large variety Elegant Sich Fancy Silks-marked & and he value—to closs. FREEMAN & KELLOGG.

CHEAP DRY GOODS! DEEDSES, married down from 2 to 50 F cant. FREEMAN & KELLOGG.

CHEAP DRY GOODS! Three Time ad Yar a goo two-shilling

Definition celling at \_\_\_\_\_\_ TWELVE AND A HALF CENTS! FREEMAN & KELLOGG. 217 Superior st.

CHEAP DRY GOODS! 5,000 Yards good Shilling Prints-fast colors, for EIGHT CENTS PER YARD!

CHEAP DRY GOODS! 1500 Yards Wool Twilled Plaids, worth two-and

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dispense a yard-sailing at eighteen pence. FREEMAN & KELLOGO.

LOTS OF BALMORAL SKIRTS. GOOD STYLES-CHEAP.

Just Opened, by

FREEMAN & RELLOGG, HAVE THEM ALSO-SHILLING PRINTS AT EIGHT CENTS. Also Superfine Double Broche Shawts at \$7,50 ach. The sexual price is \$10.

Also-Valencias, 16 cents a yard. Narwich Poplins Bornte p-1 surd, Ottomans and other Dress Goods, at GREATLY REDUCED PRICES! Hankets, Table Cloths, Loness, Nankine, White Bed Quilte and Black Silks, A.T. L.O.W. P.S.I.O.E.St. SMFIf you want to purchase any Dry Gloods, he no and call at Chesp Dry Goods Hours,

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BARROW BOTTON OF THE STATE OF T

CORSETS.—ALL KINDS AND BLEACHED MUSLIN—FOR 5

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No. 5 WEST ST., CLEVELAND, OUIO.